

Lawrence Peikes (LP-2478)
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Attorneys for Defendant
ABOVENET, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOUGLAS JENDRAS, :
Plaintiff, : **CASE NO. 11 Civ. 5409 (KMK)**
v. :
ABOVENET, INC., :
Defendant. : **AFFIDAVIT OF LAWRENCE PEIKES**
----- X

STATE OF CONNECTICUT)
) ss:
COUNTY OF FAIRFIELD)

LAWRENCE PEIKES, being duly sworn, deposes and says:

1. I am a partner with the firm of Wiggin and Dana LLP in Stamford, Connecticut, am over the age of eighteen years, understand the meaning and significance of an oath, and am admitted to practice before this Court. This affidavit will serve to authenticate the deposition excerpts, deposition exhibits and other documents referenced in the accompanying Memorandum of Law in Support of Defendant's Motion for Summary Judgment and Local Civil Rule 56.1(a) Statement of Undisputed Material Facts.

2. Attached hereto at Tab A is a true and correct copy of excerpts from the deposition of plaintiff, Douglas Jendras, conducted on April 5, 2012.

3. Attached hereto at Tab B is a true and correct copy of excerpts from the deposition of Rajiv Datta, conducted on April 24, 2012 and July 20, 2012.

4. Attached hereto at Tab C is a true and correct copy of excerpts from the deposition of William LaPerch, conducted on April 2, 2012.

5. Attached hereto at Tab D is a true and correct copy of excerpts from the deposition of Robert Sokota, conducted on March 9, 2012.

6. Attached hereto at Tab E is a true and correct copy of Exhibit J to the deposition of Douglas Jendras.

7. Attached hereto at Tab F is a true and correct copy of plaintiff's deposition Exhibit 14.

8. Attached hereto at Tab G is a true and correct copy of plaintiff's deposition Exhibit 15.

9. Attached hereto at Tab H is a true and correct copy of plaintiff's deposition Exhibit 16.

10. Attached hereto at Tab I is a true and correct copy of plaintiff's deposition Exhibit 19.

11. Attached hereto at Tab J is a true and correct copy of plaintiff's deposition Exhibit 21.

12. Attached hereto at Tab K is a true and correct copy of plaintiff's deposition Exhibit 23.

13. Attached hereto at Tab L is a true and correct copy of plaintiff's deposition Exhibit 26.

14. Attached hereto at Tab M is a true and correct copy of plaintiff's deposition Exhibit 33.

15. Attached hereto at Tab N is a true and correct copy of plaintiff's deposition Exhibit 34.

16. Attached hereto at Tab O is a true and correct copy of plaintiff's deposition Exhibit 35.

17. Attached hereto at Tab P is a true and correct copy of plaintiff's deposition Exhibit 36.

18. Attached hereto at Tab Q is a true and correct copy of plaintiff's deposition Exhibit 41.

19. Attached hereto at Tab R is a true and correct copy of plaintiff's deposition Exhibit 51.

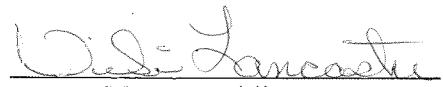
20. Attached hereto at Tab S is a true and correct copy of plaintiff's deposition Exhibit 52.

21. Attached hereto at Tab T is a true and correct copy of plaintiff's deposition Exhibit 54.



Lawrence Peikes

Subscribed and sworn to before me
this 7th day of December, 2012



Vicki Lancaster
Notary Public

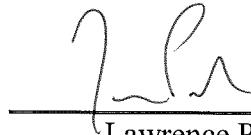
My Commission Expires September 30, 2017

CERTIFICATE OF SERVICE

Pursuant to the Motion Scheduling Order entered in this case by Judge Karas on October 17, 2012, I hereby certify that on this 7th day of December, 2012, the Affidavit of Lawrence Peikes was served via first-class U.S. mail, postage pre-paid, upon counsel for plaintiff:

Fred Weinstein, Esq.
Kurzman Eisenberg Corbin & Lever, LLP
One North Broadway
White Plains, NY 10601

An electronic copy of same was also served via e-mail to: fweinstein@kelaw.com.



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